

AYABE, CHONG, NISHIMOTO,
SIA & NAKAMURA
A Limited Liability Law Partnership

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 MAR 19 AM 10:20

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and
HAWAII CHILDREN'S BLOOD AND
CANCER GROUP,

Plaintiffs,

vs.

HAWAII PACIFIC HEALTH;
KAPI'OLANI MEDICAL SPECIALISTS;
KAPI'OLANI MEDICAL CENTER FOR
WOMEN AND CHILDREN; ROGER
DRUE; FRANCES A. HALLONQUIST;
NEAL WINN, M.D.; SHERREL
HAMMAR, M.D.; DELOITTE & TOUCHE
LLP; DENNIS M. WARREN, ESQ.;
JOHN DOES 1-99; JANE DOES 1-99
DOE ENTITIES 1-20; AND DOE
GOVERNMENTAL UNITS 1-10,

Defendants.

) CIVIL NO. 02-1-0090-01 BIA
) (Other Civil Action)

) ORDER **DENYING** PLAINTIFFS'
) MOTION FOR LEAVE TO FILE H.R.S.
) §641-1(b) INTERLOCUTORY APPEAL
) FROM ORDER DENYING PLAINTIFFS'
) RENEWED MOTION FOR PARTIAL
) SUMMARY JUDGMENT, FILED
) FEBRUARY 7, 2007

) HEARING:

) DATE: February 27, 2007

) TIME: 9:15 a.m.

) JUDGE: The Honorable Bert I. Ayabe

) TRIAL DATE: October 1, 2007

**ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE H.R.S. §641-1(b)
INTERLOCUTORY APPEAL FROM ORDER DENYING PLAINTIFFS' RENEWED
MOTION FOR PARTIAL SUMMARY JUDGMENT, FILED FEBRUARY 7, 2007**

On February 15, 2007, Plaintiffs KELLEY WOODRUFF, M.D. and HAWAII CHILDREN'S BLOOD AND CANCER GROUP's (hereafter "Plaintiffs" and/or "Movants" collectively) filed: (1) Plaintiffs' Motion For Leave To File H.R.S. §641-1(b) Interlocutory Appeal From Order Denying Plaintiffs' Renewed Motion For Partial Summary Judgment, filed March 28, 2006, filed February 7, 2007; and, (2) Plaintiffs' *Ex Parte* Motion to Shorten Time for Hearing on Plaintiffs' Motion For Leave To File H.R.S. §641-1(b) Interlocutory Appeal From Order Denying Plaintiffs' Renewed Motion For Partial Summary Judgment, filed March 28, 2006, filed February 7, 2007.

On February 27, 2007 at 9:15 a.m., Plaintiffs' Motion For Leave To File H.R.S. §641-1(b) Interlocutory Appeal From Order Denying Plaintiffs' Renewed Motion For Partial Summary Judgment, filed March 28, 2006, filed February 7, 2007 came on for hearing before the Honorable Bert I. Ayabe, Judge of the above entitled Court and pursuant to Plaintiffs' request for an expedited hearing. Arleen D. Jouxson, Esq. and Rafael G. Del Castillo, Esq. appeared on behalf of Plaintiffs/Movants. Kenneth S. Robbins, Esq. and John-Anderson L. Meyer, Esq. appeared on behalf of the Defendants HAWAI'I PACIFIC HEALTH, KAPI'OLANI MEDICAL SPECIALISTS, KAPI'OLANI MEDICAL CENTER FOR WOMEN AND CHILDREN, ROGER DRUE, FRANCES A. HALLONQUIST, NEAL WINN, M.D., and SHERREL HAMMAR, M.D.

KELLEY WOODRUFF, M.D. vs. HAWAI'I PACIFIC HEALTH, et al.; Civil No. 02-1-0090-01 (BIA); ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE H.R.S. §641-1(b) INTERLOCUTORY APPEAL FROM ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT, FILED FEBRUARY 7, 2007

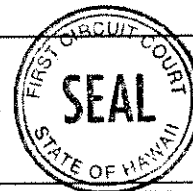
(hereafter "HPH Defendants" collectively). John T. Komeiji, Esq. and Karen Y. Arikawa, Esq. appeared on behalf of Defendant DELOITTE & TOUCHE LLP (hereafter "D&T"). Michael J. Van Dyke, Esq. appeared on behalf of Defendant DENNIS WARREN, ESQ. (hereafter "Mr. Warren").

The Court, having reviewed and considered the memoranda and exhibits submitted by the parties, having heard the arguments of counsel, based upon the applicable law of Hawaii and the records, files, and pleadings herein, and for good cause shown, finds that the Court does not favor piece-meal appeals and that movants have failed to show how the granting of the interlocutory appeal would lead to the speedy termination of the litigation or that a HRCP 54(b) certification is proper.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion For Leave To File H.R.S. §641-1(b) Interlocutory Appeal From Order Denying Plaintiffs' Renewed Motion For Partial Summary Judgment, filed March 28, 2006, filed February 7, 2007 is DENIED.

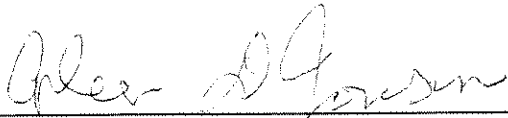
DATED: Honolulu, Hawaii, MAR 15 2007

BERT I. AYABE

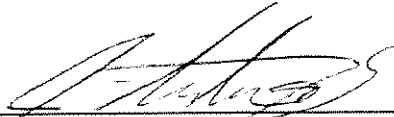


JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



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